UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/672,299 | 09/26/2003 | Stephen Paul Lewontin | NOKM.060PA | 4460 |

7590 07/19/2007

Hollingsworth & Funk, LLC
Suite 125
8009 34th Avenue South
Minneapolis, MN 55425

| EXAMINER | |
|---|---|
| MOUZON, LAJUANIA N | |
| ART UNIT | PAPER NUMBER |
| 2153 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 07/19/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

mN

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/672,299 | LEWONTIN, STEPHEN PAUL | |
| | Examiner | Art Unit | |
| | La Juania N. Mouzon | 2153 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *19 April 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 April 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

1. This Office Action is in response to Applicant's Amendment filed 4/19/2007. Claims 1-25 are pending.

### *Oath/Declaration*

2. Applicant's submission of a Supplemental Declaration overcomes the Oath/Declaration objection. The Examiner's objection to the Oath/Declaration has been withdrawn.

### *Drawings*

3. Applicant's submission of a replacement drawing for Figure 5 has been considered and overcomes the drawing objection. The Examiner's objection to the drawings has been withdrawn.

### *Specification*

4. Applicant's amendments to the specification filed on 4/19/2007, have been fully considered and are persuasive. The objections to the specification have been withdrawn.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3-7, 9-12, 14-16, 18-21, and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Pimentel et al. (US PGPub 2003/0072451).

7. In regards to claim 1 Pimentel et al. disclose, a method comprising:

a. forming a Web service message at a first network entity, the Web service message targeted for a second network entity **(Fig. 6 #ST 104 and ¶0043 line(s) 4-14, teaches that a web service message is formed on server (first network entity) that is targeted to the client (second network entity).)**;

b. establishing a Wireless Application Protocol (WAP) Connection-Oriented (CO) Over-The-Air (OTA) push session with the second network entity **(Fig. 6 #ST 116 and ¶0044 line(s) 13-15, teaches that a connection is established through WAP-CO-OTA (¶0038 line(s) 5-6 and ¶0037 line(s) 1, references that both the client and server stacks are WAP compliant.) with the client after the proper authentication is established.)**;

c. binding a transport protocol with the WAP CO OTA push session **(Fig. 6 #ST 106 and ¶0043 line(s) 14-17, teaches the wireless gateway formatting the message into a recognized format for the client. Therefore, this**

**includes binding a certain type of protocol for the client to receive and understand the message.)**;

d. sending the Web service message to the second network entity via the WAP CO OTA push session using the transport protocol (**Fig. 6 #ST 118 and ¶0044 line(s) 15-17, teaches sending the message to the client via the transport protocol.)**;

e. and processing the Web service message at the second network entity **(Fig. 6 #ST 120 – 122 and ¶0044 line(s)17-22, teaches processing the message on the client.).**

8. In regards to claims 3, 9, 14, 18, and 23 Pimentel et al. disclose, wherein the transport protocol includes Hypertext Transport Protocol (HTTP) **(¶0036 line(s) 14-15, teaches that the protocol includes any type of wireless protocols.)**.

9. In regards to claims 4, 10, 15, 19, and 24, Pimentel et al. disclose, wherein the transport protocol includes Wireless Session Protocol (WSP) **(¶0036 line(s) 14-15, teaches that the protocol includes any type of wireless protocols.)**.

10. In regards to claim 5 Pimentel et al. disclose, wherein processing the Web service message at the second network entity comprises forming a Web service response message targeted for the first network entity **(¶0046 - ¶0047, teaches after processing the message at the client (second network entity) forming a message**

**being formed on the client (second network entity) targeted to the server the (first network entity).)**.

11. In regards to claim 6 Pimentel et al. disclose, sending the Web service response message targeted for the first network entity via the WAP CO OTA push session using the transport protocol **(¶0047 line(s) 8-16, teaches the response sending the message back via WAP CO OTA push session.)**.

12. In regards to claim 7 Pimentel et al. disclose, a system for providing Web services from a mobile terminal **(¶0046 line(s) 3, teaches a mobile terminal.)**, comprising:

a. means for receiving a Web service request message via a network **(¶0044 line(s) 6-10, teaches a client stack as means for receiving messages via a network.)**;

b. means for transmitting the Web service request message via a Wireless Application Protocol (WAP) Connection-Oriented (CO) Over-The-Air (OTA) push session **(¶0044 line(s)17-19, teaches a client stack as means for transmitting the message via WAP CO OTA push session.)**

c. means for receiving the Web service request message at the mobile terminal via the WAP CO OTA push session **(¶0044 line(s) 6-10, teaches a client stack as means for receiving the web service request message.)**;

d. and means for processing the Web service request message at the mobile terminal **(¶0044 line(s) 13-21, teaches a client as means for processing the message at the mobile terminal.)**.

13. In regards to claim 11 Pimentel et al. disclose, a means for forming a Web service response message at the mobile terminal in response to the Web service request message **(¶0039 and Fig. 5, teaches a means for forming a messages via applications (#58) at the mobile terminal (#52).)**;

a. and means for transmitting the Web service response message from the mobile terminal via the server initiated wireless push session **(¶0038 line(s) 5-6 and Fig. 5 #54, teaches a means for transmitting the message via the server initiated wireless push session)**.

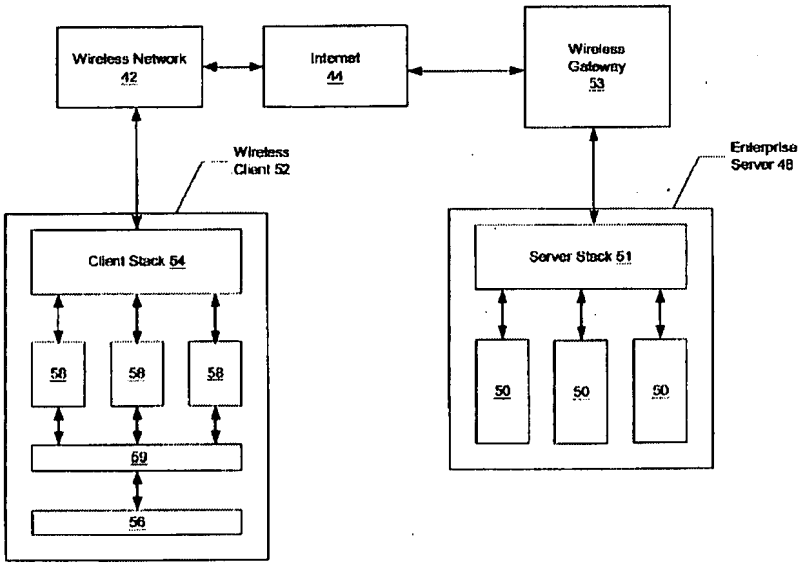


*Figure 5*

14. In regards to claim 12 Pimentel et al. disclose, a mobile terminal wirelessly coupled to a network, comprising:

a. a transceiver configured to facilitate exchange of data with the network via a Wireless Application Protocol (WAP) Connection-Oriented (CO) Over-The-Air (OTA) push session **(Fig. 5 #54 and ¶0038 line(s) 12-14, teaches the client stack as a transceiver, being able to exchange information via WAP CO OTA push session.)**;

b. a memory capable of storing at least one of a data transfer module and a Web services processing module **( ¶0038 line(s) 5 and Fig. 5 #56 displays memory capable of storing information.)**;

c. and a processor coupled to the memory and the transceiver, the processor configured by the data transfer module to receive Web service messages targeted for the mobile terminal via the WAP CO OTA push session and communicate the Web service messages to the Web services processing module, the processor configured by the Web services processing module to process the Web service messages (**Fig. 5 #54 (as shown above on pg. 8), the client stack serves (¶0038) as the processor coupled to the memory and transceiver, configured by the data transfer modules that is stored in memory, for processing the message being sent from the mobile terminal via WAP CO OTA push session)**.

15. In regards to claim 16 Pimentel et al. disclose, a computer-readable medium having instructions stored thereon which are executable for providing Web services on a mobile terminal comprising by performing steps:

a. establishing a Wireless Application Protocol (WAP) Connection-Oriented (CO) Over-The-Air (OTA) push session with a network entity via a wireless network **(Fig. 6 #ST 116 and ¶0044 line(s) 13-15, teaches that a connection is established through WAP-CO-OTA (¶0038 line(s) 5-6 and ¶0037 line(s) 1, references that both the client and server stacks are WAP compliant.) with the client after the proper authentication is established.)**;

b. binding a transport protocol with the WAP CO OTA push session **(Fig. 6 #ST 106 and ¶0043 line(s) 14-17, teaches the wireless gateway formatting the message into a recognized format for the client. Therefore, this includes binding a certain type of protocol for the client to receive and understand the message.)**;

c. receiving a Web service message from the network entity via the WAP CO OTA push session using the transport protocol **(¶0044 line(s) 6-8, teaches receiving the message via WAP CO OTA push session.)**;

d. and processing the Web service message **(Fig. 6 #ST 120 – 122 and ¶0044 line(s)17-22, teaches processing the message on the client.)**.

16. In regards to claim 20 Pimentel et al. disclose, forming a Web service response message based on the Web service message **(¶0046 - ¶0047, teaches after**

**processing the message at the client (second network entity) forming a message being formed on the client (second network entity) targeted to the server the (first network entity).)**;

a. and sending the Web service response message to the second network entity via the server-initiated wireless push session **(¶0047 line(s) 8-16, teaches the response sending the message back via WAP CO OTA push session.)**.

17. In regards to claim 21 Pimentel et al. disclose, a server **(Fig. 5 #48 (as shown above on pg. 8))** coupled to a network **(Fig. 5 #42 (as shown above on pg. 8))** and used to facilitate communications with a wireless terminal **(Fig. 5 #52 (as shown above on pg. 8))**, comprising:

a. means for receiving a Web service message targeted for the wireless terminal via the network **(¶0044 line(s) 6-10, teaches a client stack as means for receiving messages via a network.)**;

b. means for initiating a Wireless Application Protocol (WAP) Connection-Oriented (CO) Over-The-Air (OTA) push session with the wireless terminal **¶0044 line(s) 13-15, teaches means for initiating a connection through WAP-CO-OTA (¶0038 line(s) 5-6 and ¶0037 line(s) 1, references that both the client and server stacks are WAP compliant.) with the client after the proper authentication is established.)**;

c. and means for sending the Web service message to the wireless terminals via the WAP CO OTA push session (**¶0044 line(s) 15-17, teaches means for sending the message to the client via WAP CO OTA.**).

18. In regards to claim 25 Pimentel et al. disclose, means for receiving a Web service response message from the wireless terminal via the server-initiated push session **(¶0037 line(s) 8-12, teaches the server stack as means for receiving a web service response message.)**;

b. and means for communicating the Web service response messages to an originator of the Web service message via the network **(¶0037 line(s) 8-12, teaches the server stack as means for communicating the web service response message to an originator via the network.)**.

***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

20. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

21. Claims 2, 8, 13, 17, and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Pimentel et al. (US PGPub 2003/0072451).

22. In regards to claims 2, 8, 13, 17, and 22 Pimentel et al. disclose, wherein the Web service message includes a Simple Object Access Protocol (SOAP) message **(¶0043 line(s) 9-12, teaches the message being any type of message which will imply SOAP.)**.

***Response to Arguments***

23. Applicant's arguments, see pgs. 10-15, filed 4/19/2007, with respect to the rejection(s) of claim(s) 1-25 under 102(e) and 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Pimentel et al. (US 2003/0072451).

24. Applicant's arguments, see pg. 10-11, filed 4/19/2007, with respect to claims 16-20 have been fully considered and are persuasive. The 101 rejection of claims 16-20 has been withdrawn.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to La Juania N. Mouzon whose telephone number is 571-270-3045. The examiner can normally be reached on Monday - Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgress can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LNM

GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100